

70-C-257

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS	
GULF REFINING COMPANY  vs  PETER KIEWIT SON'S COMPANY		For plaintiff: Warren M. Sparks , W. Bernard Fudge O. Gordon Oldham <u>Charles R. Cleveland</u> ✓ 587-2121 P. O. Box 1589 Tulsa, Oklahoma 74102                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           <	

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-14-70	Complaint, filed. Summons issued.	
8-20-70	Return on summons, filed. Served Peter Kiewt Sons Company by serving the Corp. Co., Service Agent, at Okla. City, Okla. on 8-18-70. (Fees: \$4.00)m	
9-8-70	Defendant's motion for more definite statement and motion to strike, filed. b	
9-8-70	Defendant's brief in support of motion for more definite statement, filed. b	
9-8-70	Defendant's brief in support of motion to strike, filed. b	
9-8-70	Ordered by the Court that the plaintiff respond to the defendant's motion for more definite statement and motion to strike, with brief, within 10 days from date. (Allen E. Barrow - Judge) b	
9-16-70	Plaintiff's brief in opposition to defendant's motion for more definite statement, filed. ds	
9-16-70	Plaintiff's brief in opposition to defendant's motion to strike, filed. ds	
10-1-70	Order overruling Deft's motion for more definite statement and motion to strike and deft is ordered to file an answer in 10 days of this date. filed. (AEB-J) v <i>Answer filed</i>	
10-9-70	<b>Answer filed by the Defendant, filed. v</b>	
10-14-70	Answer to plaintiff's interrogatories, filed. m	
10-20-70	Plaintiff's motion for partial summary judgment, filed. ds	
10-20-70	Plaintiff's brief in support of motion for partial summary judgment, filed. ds	
10-20-70	Ordered by the Court that defendants reply with brief to plaintiff's motion for partial summary judgment within ten days of this date. (AEB-J) ds	
10-28-70	Response to plaintiff's motion for partial summary judgment, filed. ds	
11-2-70	Reply brief to defendant's response to plaintiff's motion for summary judgment, filed. b	
11-3-70	Defendant's response to plaintiff's reply brief, filed. g	
12-17-70	Defendant's Interrogatories, filed. v	
1-15-71	Plaintiff's answers to defendant's interrogatories, filed. b	
1-15-71	Plaintiff's supplemental interrogatories to the defendant, filed. b	
3-31-71	Answer to plaintiff's supplemental interrogatories, filed. m	
4-23-71	Order overruling Plaintiff's Motion for partial Summary Judgment, Filed. (AEB-J) r <i>order not to be taken</i>	
6-18-71	Parties directed to hold pre-trial prior to 7-16-71 and file pre-trial order not later than 7-23-71. (AEB-J) v	
7-9-71	Deposition of Marvin Lee McCulley, filed. (Fee: \$19 pd by deft.)m	
7-9-71	Deposition of Billy Frank Springs, filed. (Fee: \$20 pd by pltf.)m	
7-12-71	Request for admissions, by Gulf Refining Co., Pltf. filed. ds	
7-26-71	Defendant's response to request for admissions, filed. v	
7-26-71	Application for additional time, filed. r	
7-26-71	Order granting application for addition time to and including 8-6-71 to file pre-trial Order, filed. r	
8-18-71	Pre-trial Order, filed. (AEB-J) v	
9-3-71	Pltf's notice of taking depositions upon oral examination, filed. m	
9-13-71	Deft.'s Motion to strike Notice of taking Depositions upon oral examination, filed. v	
9-13-71	Brief in support of Motion to strike taking of depositions, filed. v	
9-13-71	Order by the Court that Plaintiff is granted 10 days from this date to respond to Deft.'s Motion to strike notice of taking depositions upon oral examination. (AEB-J) v	

Continued

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-24-71	Deposition of R. E. Berry, taken by Hugh H. West, CSR, Anniston, Alabama, filed. ds	
9-21-71	Brief in opposition to defendant's motion to strike notice of taking depositions upon oral examination, filed. ds	
10-6-71	Motion of Plaintiff for leave to amend complaint, filed. v	
10-6-71	Brief in support of motion for leave to amend complaint, filed. v	
10-6-71	Order by the Court that Deft. is granted 10 days from this date to respond to Pltf.'s Motion for leave to amend complaint. (AEB-J) v	
10-8-71	Pre-trial order amendment, filed. (AEB-J)m	
10-12-71	Response to pltf's motion for leave to amend complaint, filed. m	
10-19-71	Notice of filing depositions, filed. m	
10-20-71	Deposition of William A. Burdette, filed. Taken on 9-15-71, at Houston, Texas, by Dahl & Reed, CSR. ds	
10-20-71	Deposition of James W. Streit, filed. Taken on 9-15-7k at Houston, Texas, by Dahl & Reed, CSR. ds	
10-22-71	Case set for non-jury trial November 1, 1971, at 10:00 a.m. (AEB-J)v	
10-28-71	Order overruling defendant's motion to strike notice of taking depositions upon oral examination, filed. (AEB-J)g	
10-28-71	Order granting plaintiff leave to amend complaint, filed. (AEB-J)g	
11-1-71	Case called for jury trial. Parties present and represented. Demand for jury trial filed in open court by defendant, and demand overruled, and case passed for Non Jury trial on <del>November 3</del> , Nov. 3, 1971 at 10:00am (AEB-J)h	
11-3-71	Case called for Non-Jury trial. Parties present and represented. Case submitted on depositions, briefs and testimony. Plaintiff granted to 11-11-71 to submit brief and def. granted 5 days to respond. (AEB-J)h	
11-3-71	List of Witnesses filed by Charles R. Cleveland. h	
11-11-71	Plaintiff's case brief, filed. ds	
11-16-71	Response to plaintiff's case brief, filed. m	
11-19-71	It is ordered that parties granted 5 days within which to submit Findings of Fact and Conclusions of Law. (AEB-J)h	
11-24-71	Pltf's proposed F/F & C/L, filed. m	
12-17-71	Findings of Fact, Conclusions of Law and Judgment filed and entered that judgment be entered in favor of defendant and against pltf. (AEB-J) rm	
12-27-71	Motion to Vacate Judgment by pltf., filed. rm	
12-27-71	Brief in support of Motion to Vacate Judgment, filed. rm	
12-27-71	Order by the Court that def. is granted 10 days from this date to respond to pltf.'s Motion to Vacate Judgment. (AEB-J) rm	
1-4-72	Defts' Response to Motion to vacate judgment, filed. r w/ Brief in Support of Response to Pltf's Motion to vacate Judgment. r	
4-3-72	Order overruling plaintiff's motion to vacate judgment, filed. (AEB-J) ds	
4-28-72	Notice of Appeal, filed. rm (copies to USCA and counsel)	
5-10-72	Appeal Bond (\$250.00), Federal Ins. Co., surety), filed. g	
5-26-72	Transcript of non-jury proceedings on 11-3-71 (orig. + file cpy), filed. (Larry Marks, CSR)g	
5-26-72	Plaintiff's interrogatories, filed. rm	
5-31-72	Appeal record (original in 2 vols.) transmitted to C.A. rm	
6-6-72	Stipulation, re inclusion of depositions in appeal record, filed. rm	
6-6-72	Supplemental record sent to USCA. g	
3-15-73	Mandate and opinion of USCA, 10th Circuit, affirming judg. of 12/17/71, filed and spread of record. rm	
3-26-73	Appeal record (Vol. 1 and Suppl. record) received from U.S.C.A. Vol. II, trial transcript, not received. rm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-13-73	Trial transcript (Vol. II of appeal record) recd. from USCA. rm	